

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/611,414 Confirmation No.: 1954
Applicant(s) : Holden, D.P., *et al.*
Filed : June 30, 2003
TC/A.U. : 1631
Examiner : Sims, J.M.
For : **SYSTEM AND METHOD FOR SNP
GENOTYPE CLUSTERING**
Customer No. : 22896

PETITION UNDER 37 C.F.R. §1.181

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request consideration under 37 C.F.R. §1.181 for formally entering a filing of an RCE for the instant application with the Response to a final Office Action dated December 22, 2009. With this paper, the following is submitted:

Remarks begin on page 2 of this paper.

Exhibit A and Exhibit B are attached following page 3 of this paper.

REMARKS

A Response to a final Office Action for the instant application was filed on December 22, 2009. On the face page of the Response, it was made clear that the Applicants wished to invoke the benefit of 37 C.F.R. §1.114 (see Exhibit A). This was additionally reinforced and clarified in the conclusion section of the Response, which authorized the Commissioner to charge the designated deposit account for the filing of a Request for Continued Examination (RCE), as well as for a three-month extension of time (see Exhibit B). The Applicants acknowledge that the Response was submitted without transmittal form PTO/SB/30EFS, entitled, "Request for Continued Examination(RCE)Transmittal".

On January 12, 2010, the Examiner entered an Advisory Action for the instant application, in which the Response was entered as a matter of record, but without the benefit of filing an RCE.

The Applicants request consideration for having the Response formally entered with a filing of an RCE. Though transmittal form PTO/SB/30EFS was inadvertently omitted, the Applicants submit that the Response made clear the intent to continue examination of the instant application, and authorized the Commissioner to charge the designated deposit account for the appropriate fees.

If it is deemed that a telephone conference would expedite the resolution of this matter, the Office is invited to contact the Applicants' agent at the telephone number listed below.

Fee Authorization

Should any extension of time and/or fee be necessary for the timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 50-3994 (order no. 4908)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,

Date: February 1, 2010

/Sally A. Swedberg/
Sally A. Swedberg, PhD
Reg. No. 53, 659
Agent for Applicants

CORRESPONDENCE ADDRESS

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